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THE OPINION

Vol. VII

DECEMBER, 1966

No. 2

Moriarity Elected SBA President

Professor Touster Appointed Ass't to President Meyerson

In late August, President Martin Meyerson announced the appointment of Professor Saul Touster as Assistant to the President of the State University of New York at Buffalo. Upon learning of this appointment, many law school upper-over and over: "Who is going to teach classmen began to ask the same question contracts?" or "Will he still be able to teach the freshmen contracts course?"

It soon became clear that Professor Touster would not be able to teach the freshmen about the good Doctor McGee and Mr. Hawkin's hand that was somewhat less than 100% perfect. In fact, so that Mr. Touster could devote the necessary time to his new position, his teaching load was limited to one senior seminar — Law and Medicine.

"My greatest regret in accepting the appointment," Mr. Toouster a SUNYAB Law School member since 1955, "was giving up full time teaching, especially the freshmen contracts course. I liked teaching the freshmen, and enjoyed the excitement of the large classes using the Socratic method. I feel that the first year of law study represents the initial point in the transition from a liberal arts to a professional outlook, and hence the development of proper study methods is important."

Prior to his appointment, Professor Touster served as a member of the Faculty University Senate at SUNYAB, during which time he took an active part in helping to formulate this group's recommendations as to educational policy of the University. His new position will allow him to devote more time to these same considerations.

As to his reaction to the appointment, Professor Touster said "President Meyerson has a dream of a great university, and I consider it an honor and a challenge to be asked to help realize that dream."

Picture Essay This Issue

On pages 4 and 5 of this issue, there appears a picture essay giving a pictorial account of the physical locations of the law school since formation in 1887.

The Opinion wishes to thank Law Librarian Balfour Halevy for the loan of the necessary pictures from the library files.

From the President's Desk

With the close of this semester and my term of office as President of the Student Bar Association rapidly approaching, I would like to take this opportunity to express my appreciation and gratitude to all those connected with what I consider to be a very fruitful year.

A list of names of those deserving my personal thanks would be too extensive for this column. Therefore, thank you to the members of my Executive Committee, the members of the Board of Directors of the SBA, the various committee heads, the faculty, and many students of the SBA, the various committee heads, the faculty, and many students of the Law School.

When I took office last March, I had three specific goals in mind, along with several general goals.

The first was a promise to conduct a vigorous sustained campaign towards a J.D. Degree for this school. This drive is going on right now. It would not be wise to predict its success or failure. This depends upon the vigor with which the new administration advocates this change.

Secondly, I intended to kindle some fires which would lead to a change in our highly inadequate placement system. It was understood that this could not take place overnight. A comprehensive report including suggestions will be submitted to the faculty before the close of this semester.

Thirdly, it was my intention that our Speaker's Forum could be greatly improved. I think its progress this semester speaks for itself.

This semester we have accomplished

The results of the Presidential election held Tuesday, December 13 were announced that afternoon by Brian Rhatican, retiring SBA President. In an election that saw two members of the Irish Mafia opposing each other, Bob Moriarity emerged the winner over Bill Sullivan.

In the class elections, held Wednesday, Dec. 14, the candidates for SBA representative in the Junior Class ran unopposed. The three candidates running for that position were Jim Huber, Jim Van de Water, and Mike Wolford. Bill Sullivan will fill the fourth position as provided for by the Constitution.

In the Freshman class elections, the following eight persons ran for the four positions: Ron Axelrod, John Bartolomei, Bohdan Harasym, Brownell Johnston, Lee Mondschein, Gary Roberts, John Segreti, and Joe Spaeth. The winners were Brownell Johnston, John Segreti, and Joseph Spaeth. There was a three way tie for the fourth position between Ron Axelrod, Lee Mondschein, and Gary Roberts. The winner of the fourth position will be determined in a run-off election on December 19.

A Sign of the Times

(appearing on the
freshman bulletin board)

At breakfast this morning, the King-sized box of Korn flakes was empty. The Touster was broken and spat forth Fleming pieces of bread. Then I busted a hole in the seat of my Jockey-Swartz getting into the car. On the way to school, a cop handed me a speeding Simmons, but luckily I managed to Birzonerate myself from it later.

And of course Mr. Kochery didn't make this nine o'clock class!!!

ANOMALOUS.

many things. To be specific in this limited space is not possible. A brief check of the minutes of past SBA meetings one thing. It was my belief that we could will substantiate this statement.

However, I would like to mention accomplish much more by a firm yet cooperative position in dealing with the faculty. We have been told by several members of that group that it was the general feeling that ours has been one of the most helpful and successful groups in dealings with them for the benefit of the school in general and the students in particular.

This serves as a credit to all those connected with the functions of the SBA. And more important, it sets a

(Cont'd on Page 6)

Dicta...

WHY GET INVOLVED

Much has been said in the past about "getting involved," whether it be in controversy or activity. From time to time during any year, you read about persons who, for fear of getting involved, refrain from the proper course of action.

It is but a refinement of this excuse that plagues the Student Bar Association each year. The seniors will tell you that this is their last opportunity to do well in school; the juniors will tell that they are facing their most difficult two semesters; the freshmen will tell that they do not know what to expect from law school and they want to hold off from taking anything on "for a while." The only problem is that this "for a while" lasts for three years.

No one will doubt the reason that most are in law school: to continue their education and obtain a background in the law. At the same time, very few can honestly state that, in the course of a month, he will not waste at least a couple hours (more likely a multiple of this) doing something worthwhile—like watching television, playing cards, having a couple with the fellows, etc.

It has often been suggested that anyone who is willing to give something to take a degree from a given school should be willing to give something in exchange to the school. Some through the *Buffalo Law Review* make a very lasting contribution to the school. However, contribution is not and should not be, limited to these few in each class.

There is much to be done in places that all can help. By working through and with the Student Bar Association, much of lasting value can be accomplished. The current movement concerning the J.D. Degree is but one example. Another is the proposal now pending before the Student Bar Association concerning adequate representation of SUNYAB students before the Student Judiciary Board. The activities of the Student Bar Associations are limited only by the ideas brought before it, and the help extended in implementing these proposals.

Certainly there is no student who cannot express his opinion on the way the school is run, the organization of the Student Bar Association, or any other phase of law school activity. Yet these thoughts, opinions, or ideas are suppressed for fear of getting involved. When was the last time that you heard of a lawyer who did not want to get involved?

Student Judiciary

Currently, the SBA has before it a proposal concerning the formation of a Student Judiciary Committee in conjunction with the University of Buffalo undergraduate division. The purpose of this committee would be to assist, advise and ultimately defend any student who is in jeopardy of losing his standing at the college.

This would include suspensions, outright removal of students and all lesser offenses which might come before the Student-Faculty board. The essence of the proposal is that a student in this position could seek aid from a pool of interested and willing advocates.

The Committee would consist primarily of law students who voluntarily offer to take part in these controversies. The proposed committee would be under the auspices of the SBA.

This writer is of necessity in accordance with a proposal which intends to give a student the opportunity to practice his future profession. There is a saying to the effect that a journey of a thousand miles begins with one short step. This might be that first step for many a future trial lawyer.

Again, this proposal would require participation. Many students believe that some activities are relatively unimportant. Not so in this instance; the proposed activity would provide a real opportunity for a student to gain experience in advocacy. **THE OPINION** supports prompt action on this proposal and encourages students to take an active part in the administration of such a plan when enacted.

Why Should I Join ALSA

The question presented by the headline to this article is one that was asked by most who were approached during the recent membership drive. The results of the drive were that some 35 students decided to "take a chance." While this figure may satisfy some, it is certainly hardly significant when one considers that it amounts to just a little more than 10% of the student body.

In answer to the question posed, two answers are found in the November 1966, copy of *ALSA Circuit News* distributed to officers of the many Student Bar Associations across the state and country. The first article presented an appeal to these many Student Bar Associations concerning the J. D. Degree. It told of what had been done thus far, and listed six ways that these other schools could help SUNYAB Law School obtain the J. D. Degree. This appeal,

if carried to its conclusion will immediately benefit only one group—the students at SUNYAB. Yet only 35 students want to support an organization that is of great potential value to them.

Another article appearing in the November *News* and entitled "A Call to Arms" was written by Patrick D. Kelly, Dean of the University of Missouri at Kansas City School of Law. This article, reprinted below, makes an appeal for support of ALSA. The article follows:

Irrespective of one's evaluation of the present state of affairs in the Legal profession, it must be admitted that it would be better if more lawyers exhibited greater personal concern. Must it not also be admitted that the one best means of expressing concern in an affirmative manner is to join with others in projects for the betterment of the legal profession. These propositions admitted, it follows that members of the profession should be active members of bar associations—local and national.

Seldom can one man standing alone, accomplish more than a rippling of the pond with his personal efforts. He may make a large splash in a small pond, but hardly anyone but himself will get wet. In the large sea he cannot create a wave that will be even noticed. This is a society of influence by organizations. Unless one should relish futility, he will add his efforts to the influence of the organization.

For law students then, the message should be membership in his Student Bar Association and in the American Law Student Association. It is no answer to say that active bar association membership can wait until admission to law practice. Endeavors put off until tomorrow are too often put off for too long. All of us are inclined to say we will do what is expected of us tomorrow. And we really would, if only we start today.

By having commenced bar association activity as a law student, a lawyer will have already acquired the professional attitude that is found in active bar association members. This attitude was typified in the spontaneous remarks of a recent bar admittee shortly after that wonderful moment of being sworn-in. It was suggested to him that the anxiety of waiting on notice or the bar examination results must have been horrifying—thoughts such as "What will I do, if I failed?", "What will my family say?". His response was that he didn't remember any such comment from any of his classmates, but rather that they had expressed concern that they "might have let the law school down." These men will

(Cont'd on Page 6)

OPINION

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Point of View . . .

A Dissenting View of the "4-4-4" Plan

(Editor's Note: The author of this article is a senior law student at SUNYAB. The opinions expressed in the article are those of the author, and not necessarily those of the editor, the Student Bar Association, or the SUNYAB Law School. THE OPINION will afford space to any responsible person expressing a representative opinion of an opposing point of view. Letters to the Editor will be printed as space permits.)

By BOB PACHOLSKI

In the late August of 1966, the Buffalo Board of Education and the citizens of the "City of Good Neighbors" received quite a jolt. They received a plan from the State Commissioner of Education, entitled "A Plan for Accelerating Quality Integrated Education in the Buffalo Public School System." The plan, which uses race as the primary factor in school assignment, has become better known by the designation "The 4-4-4 Plan." This state drawn plan has been met by a large amount of opposition from the citizens of Buffalo and resulted in a concerted effort by many residents of Buffalo to defeat the plan's implementation.

The state plan, which has the acceleration of racial integration in the City of Buffalo as its chief goal, provides for the following reorganization of the Buffalo School System:

- 1—Conversion of elementary schools throughout the city into schools which will accommodate grades on which will accommodate grades one through four at a neighborhood school level;
- 2—Construction of "middle schools" accommodate grades five through eight and to serve as the initial place for integration in the Buffalo school system. These schools will be located in strategic positions around the city and children will be bussed to these schools.
- 3—Comprehensive high schools located throughout the city.

The Buffalo School Board approved this plan "in principle" in mid-September of 1966 with the proviso that only Negro children would be bussed. I believe that this proviso, which is totally discriminatory against Negro children, was included to soothe public reaction to the plan, which is unconstitutional. The Buffalo School Board approved the implementation of the plan in November of 1966 with only one minor change—the fact that the middle schools will begin their operation at grade six instead of grade five.

The Buffalo School Board approval of the plan and its implementation has caused a call for an elective school board in Buffalo to be proposed by many opponents of the plan. Others have called for the removal of School Superintendent Joseph Manch of Buffalo, who has endorsed the state plan. A threatened

school boycott by parents who claim that the state plan is unconstitutional has also been mentioned in recent months.

There is no doubt in my mind that this plan is unconstitutional. My contention is that any use of race in the determination of which school a child is to attend, be it for purposes of segregating whites from Negroes or eliminating so-called "de facto" segregation, is unconstitutional in our American society.

The injection of race into the Buffalo school system as a determining factor as to which school a child shall attend will be the first time since the early 1900's that a school board in our state will consider the color of a person's skin instead of a rational differentiating factor as a means of judging his capabilities.

The school board in Buffalo and other boards throughout the State of New York have assigned children to one school or another, not looking at their color, but by classifying them according to other factors, such as mental capacity, their accessibility to a certain school and other factors which do not look to the highly arbitrary notion of race. To draw an analogy, the Buffalo School Board has not looked to the cover of the book, the color of a child, but instead to the contents, the person or individual himself.

Our American courts have recognized the arbitrary and capricious nature of a distinction on the basis of race and have made it plain that children that are equal as to other qualifications cannot be differentiated according to race in the assignment of school children has resulted in a ruling from our Supreme Court that children cannot be assigned to one school instead of another because of the fact that they are Negro. **Brown vs. Board of Education of Topeka**, 347 U. S. 483 (1954).

This 1954 court ruling did not change any methods of school assignment in Buffalo or the State of New York since, as was already pointed out, the school boards of the State of New York have not been permitted to use race as a sword to differentiate one child from another in school assignment since the early 1900's.

Now, as a result of this state plan to accelerate integration, race will be used as a factor in assigning school children. I maintain that the Buffalo Board of Education does not have the right to assign a pupil to one school or another because of his race due to the fact that every child in our country has a right to be assigned to a school on the basis of factors which look to his abilities and talents and not to the color of his skin, which has no significant relation to his character or his capabilities.

Once our school boards begin to cut across the children eligible to attend any certain school, and determine their entrance on the basis of color, they are denying each individual child, be he Negro or white, his right to be treated equally without any consideration to a

factor which has been admitted to have no rational connection to assigning a child to one school or another. Our courts have made it clear that children are to be differentiated as to which school they are to attend only on the basis of rational factors, which reach the actual qualifications of the individuals.

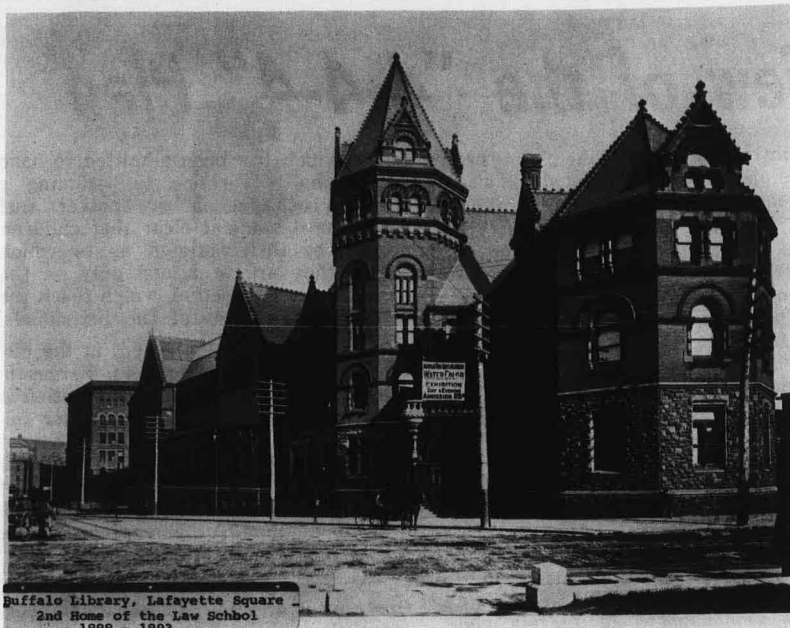
As Justice Harlan noted, in the dissenting opinion in **Plessy vs. Ferguson**, 163 U. S. 537 (1896): "Our constitution is color blind, and neither knows nor tolerates classes among citizens." I cannot find any better way of stating my position — race cannot be used and will not be allowed as a means of assigning children, equal in all other respects to the school they are to attend.

My argument is very simple indeed. Our courts and our society has recognized the arbitrariness and capriciousness of a race as a differentiating factor. Our courts have declared that race cannot be used to differentiate people, be it for employment purposes or school assignment, on the basis of a racial factor. It is only logical to eliminate a factor which has no rational link or connection to a child's capabilities from the group of factors to be used in determining the school he is to attend. It is even more tragic to inject a racial factor, as the state plan suggests, at the cost of other time tested and proven rational factors of school assignment, which directly have a connection to the child in relation to the school he is to attend.

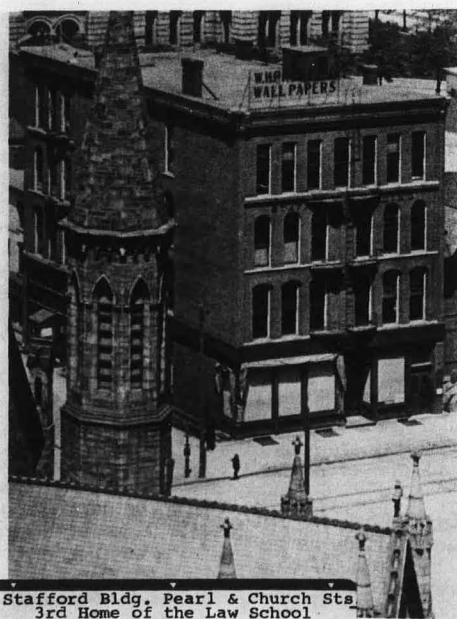
As Justice Harlan pointed out in **Plessy vs. Ferguson**, color has no place in our American system of life and I maintain that color has no place in the Buffalo schools system, be it to correct so-called "de facto" segregation or to separate whites from Negroes in the Buffalo schools. We in America have seen the damaging effects of using race as a factor in differentiating one person from another and I believe that our Supreme Court will not allow the Buffalo Board of Education to reinject this despicable factor into the Buffalo school system.

As to the alleged "de facto" segregation comment on this point. The use of race in the Buffalo schools, I have only race in analysis of a system is as damaging as the use of race in the synthesis of a system. The use of race by Madison Avenue researchers to point up a pattern of "de facto" segregation in the Buffalo school system, despite the fact that the Buffalo School Board has used other qualified and rational factors in assigning children to schools, is an illegal use of a factor with no rational connection or relation to education in Buffalo.

I maintain that no matter how devoid the Buffalo school system could be of the racial factor in assigning children, an analysis of this assignment by researchers who use the racial factor would pollute the system with the odious smell of race.



Buffalo Library, Lafayette Square
2nd Home of the Law School
1888 - 1891



Stafford Bldg, Pearl & Church Sts
3rd Home of the Law School
1893-1896



Ellicott Square Building
4th Home of the Law School
1896-1913



The Third National Bank Bldg.
Main & Swan, 5th Home of
Law School, 1913-1917

SEVEN DEVELOPME

Great things are in store for the State University of New York at Buffalo Law School. According to Dean H. D. Hawkland, the Seven Year Development Plan of the University is now progressing ahead of schedule. At a recent SBA lecture, Dean Hawkland announced the following projection of growth as reflected in the size of the student enrollment.

Present	300
1967-68	480
1970-71	805

The student body will then remain at this numerical level (805) hopefully insuring the benefit of a small student body while meeting the University's educational obligation.

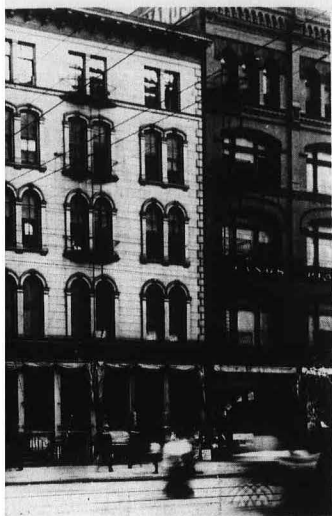
Another projection reflecting the growth of the school can be found in the expected additions to the Law Faculty.

Present	23
1967-68	29
1972-73	59

With expected additions, our faculty will grow to be the largest law faculty in the United States.

In addition to these statistics, the Dean announced that other areas of school development are beginning to meet the administration's expectations.

CHINESE
May You Live Your Lives In
(Chinese Curse a la



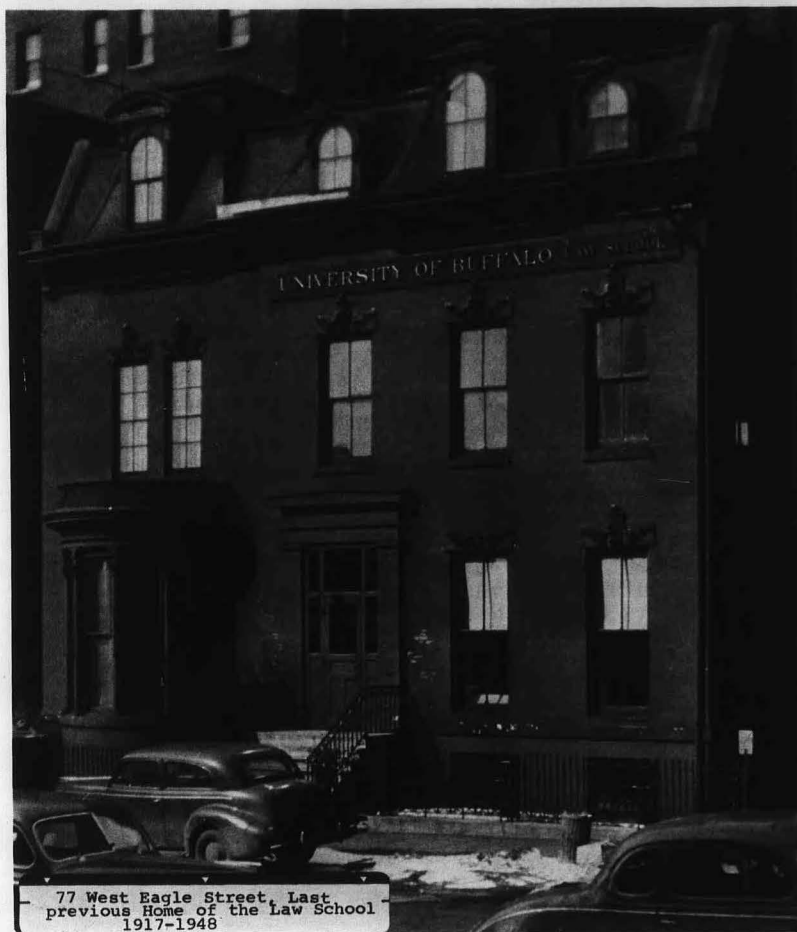
YEAR MENT PLAN

The school has the largest law library budget in the United States. Every month the school's budget calls for expenditures equal to **twice** the **annual** budget of the old University of Buffalo Law Library.

Proposals for a new building on the new campus are equally elaborate and imaginative. Judge Williams has tentatively agreed to have the Fourth Department Appellate Division sit **at the law school**, thus giving the students the opportunity to view the workings of state legal machinery and become familiar with the appellate procedure in New York.

The plans envision a student dormitory, in connection with the Law School, offering housing to married and out-of-town students as faculty members and their families. There will also be overnight facilities, at a nominal fee, for commuting students who occasionally find it necessary to remain late at the law school.

However, the Dean cautioned that statistics and new buildings do not make a good law school. The continuing efforts of the students, faculty, and alumni will be needed to help the school gain greater prominence and stature in the legal community.



77 West Eagle Street, Last
previous Home of the Law School
1917-1948



Law School Library
3rd floor, 77 West Eagle
1917-1948

SE CURSE
es In A Period Of Transition
la W. D. Hawkland)

This picture essay is dedicated to
those of our alumni who have weathered
the "transitional storm" in the past.

"THE COURTROOM LAWYER"

By HAROLD J. BRAND JR.

On Columbus Day, 1966, Attorney Albert Averbach sailed into Room 110 of the S.U.N.Y. at Buffalo Law School and proceeded to dispel any notions that the signs depicting him as a "famed trial counsel" were simply examples of puffing." This SBA Coffee Hour Speaker lacked only Melvin Belli's cowboy boots (and perhaps a fourth wife) as he delivered what will undoubtedly be remembered as one of the highlights of the Coffee Hour Series.

Room 110, usually decorated only by tinotypes of long dead jurists and an eyeless bust of Socrates (or is it Plato) was replete with all the training aids used by the modern negligence lawyer: graphic color illustrations depicting the human body, its muscular and skeletal structure; human and man-made bones; and the stainless steel substitutes that oftentimes are used to replace or repair the plaintiff's injuries.

Counselloer Averbach indicated to the S.R.O. crowd that "trial work was an uncharted field" and that he "came before us hoping to recruit our interest and intrigue us." This objective was uniquely accomplished by the enthusiastic, well-spoken and fast-talking Attorney from Seneca Falls, New York. For many who entered that speech undecided as to a possible field of specialization, this speaker did his best (which was extremely good) to convince them to be a courtroom attorney. He also mentioned that the 10 lawyers in "Who's Who" are all trial lawyers.

"The attorney for the Plaintiff in tort litigation is a salesman of sorrow, agony, pain and trauma. Although only 10% of these actions ever reach trial, 70% of those that do are decided on the ability of the trial lawyer to project the plain-

tiff's trauma to the jury," said Atty. Averbach.

Mr. Averbach went on to enumerate the various agencies and institutions which a lawyer could utilize in preparing his plaintiff's case and also, mentioned that Boston and Harvard Law Schools have medical courses for attorneys, the purpose of which is to prepare future lawyers for pursuing a practice in negligence trial work. (Perhaps some of the content of this lecture could be introduced into our Law School's curriculum).

Those some 170 students who had the good fortune to attend this lecture were amply rewarded for the time they invested. On behalf of them, this writer would like to express his thanks to the SBA for the opportunity to enjoy this and similar lectures.

President's Desk . . .

(Cont'd from Page 1)

precedent for the new administration and those which follow it. There is a great deal which can be accomplished. It takes nothing but a little hard work and cooperation.

These things could never have been accomplished without the concern and hard work of the members of the student Bar Association. This administration could not have been a success without them.

There is a great deal to be done. It is now up to the new administration to carry the ball. To them I say "good luck." To those who have worked with me I say "thank you very much."

Sincerely yours,
Brian H. Rhatigan

NEW FACULTY

MR. WILLIAM ANGUS

William H. Angus, a Canadian citizen, joined the SUNYAB Law School faculty this past fall, coming from Columbia Law School, where he studied for a year under a Hughes Fellowship. Prior to that, he had been a member of the faculty at the University of Alberta (Edmonton, Alberta, Canada) since 1959.

Mr. Angus received part of his education in Canada, part in England, and part in the United States. He did his undergraduate work at Victoria College, a part of the University of Toronto, where he received his B.A. in 1952. He then attended the London School of Economics in London, England before going to the University of Toronto to study law. In 1956, he received his LL.B. from the University of Toronto, and in 1959, he received his LL.M. from Columbia University. He is currently completing the requirements for his J.S.D. from Columbia University.

At SUNYAB, Mr. Angus is teaching Administrative Law, although his past teaching experience includes such other diverse topics as Taxation, Trusts, Criminal Law, Labor Law, and Legislation. Plans for the coming semester

call for Mr. Angus to teach a Senior Seminar dealing with The Ombudsman, an individual who, on receiving a complaint from a citizen alleging governmental abuse, investigates and intervenes on behalf of the citizen with the governmental authority concerned.

Mr. Angus' interests include squash and skiing. Also, he enjoys mountain climbing and exploration. Mr. Angus has to his credit several first ascents, mostly in the Canadian Rockies. He professes to be an avid movie goer, especially liking foreign films. Other entertainment includes regular attendance at the ballet.

Mr. Angus and his family, including his five year old daughter and two sons aged 3 years and 1 year, live in the oldest brick house on the Canadian side of the Niagara Peninsula. The house was built in 1795 and served as a field house for the English General Brock in the War of 1812.

Referring to teaching here at SUNYAB, Mr. Angus said "it is an interesting experience because of the growth situation found here. There are many new and different developments, and the professors are active and aggressive in the legal world."

MR. DANIEL GIFFORD

Mr. Daniel J. Gifford was appointed professor of Law at the Law School on September 1, 1966. Professor Gifford, who is teaching Administrative Law this semester, received his A.B. cum laude from Holy Cross College in 1953. After his graduation, he joined the Marine Corps and served as a corporal at the Portsmouth Naval Prison as a guard. Mr. Gifford said that he enjoyed the duty because he was able to observe the organization and internal procedures of a prison and also because of the proximity of Portsmouth to the ocean. After his discharge from the Marine Corps in 1955, Mr. Gifford entered Harvard Law School, where he was a member of the Harvard Law Review from 1956 to 1958, and was Case Editor of that Review during the 1957-58 academic year. After receiving his LL.B. cum laude from Harvard, Mr. Gifford practiced corporate law from 1958 to 1962 in the New York firm of Cleary, Gottlieb, Steen & Hamilton.

In 1962 Mr. Gifford joined the faculty of Vanderbilt University (in Nashville, Tennessee) as an Assistant Professor of law, and became an Associate Professor there in 1964. During 1964 Mr. Gifford was the Reporter on Administrative Law to the Tennessee Law Revision Commission. During the 1965-66 academic year, he took a leave of absence from Vanderbilt in order to study economics at Columbia University. Mr. Gifford spent last summer in Washington where he worked with Professor Kenneth Culp Davis of the University of Chicago interviewing officials of several of the federal regulatory agencies under a grant from the Meyer Foundation to study administrative "discretion."

Mr. Gifford is married and the father of two children, Karen, age 5, and Stephen who is 1½. Mr. Gifford finds that he has little time left for hobbies or other nonlegal activities, but he tries to dabble occasionally in economics and philosophy.

ALSA . . .

(Cont'd from Page 2)

transfer that feeling of professional responsibility to their clients and to the legal profession. It is heartening that this professional attitude was formed while still in law school. Could it ever be suggested that it might wait until after bar admission.

Whatever the programs of an individual student bar association they are the present effort of the local group to improve the law school community. If improvement is to be achieved, it will be because an organization existed and enough members assumed responsibility to work for improvement.

The American Law Student Association, likely to soon be a Division of the American Bar Association, has more challenges for the exercise of professional responsibility than can be accepted by this generation of law students, or the next.

This is to say that all law students should join—now! If any should have to be conscripted, they have raised arguable questions whether they are worthy to wear the uniform.

MRS. JOSEPHINE KING

Mrs. Josephine King appointed to the SUNYAB Law School faculty in 1965, received her LL.B. degree from the State University of Buffalo, and a Ph.D. in political science from Bryn Mawr. When asked if a political science background is advantageous to law study, Mrs. King replied that she thought there would be increasing amounts of interdisciplinary study between law, political science, sociology, and economics.

Mrs. King's most important outside interest is her family, but she also enjoys classical music. She is interested in government and the election process, and she chose political parties as the topic of her doctoral thesis.

When asked to comment on what recent changes she had noted in the U.B. law school, she mentioned that one striking change is the atmosphere prevalent in some of the classes. "The classes are more informal now, and tend to encourage more active exchange between student and teacher." She was also very pleased with the interest and preparation of the students. She suggested that the student body should take an active interest in the affairs of the school and should work in SBA and Law Review activities if the opportunity arises.

MR. HAROLD KORN

The most striking aspect of Mr. Harold L. Korn's career is the magnitude of his accomplishments. At thirty-seven years of age, Mr. Korn has amassed knowledge and experience that most of us can only hope to equal. Mr. Korn received his LL.B. at Columbia in 1954 as a Kent and Stone Scholar, while serving on the Columbia Law Review as Casenotes Editor, and assisting Professor Herbert Wechsler in the drafting of the American Law Institute Model Penal Code. Mr. Korn entered the New York Bar, and spent the next two years as law clerk to the Hon. Stanley H. Fuld. From 1956 to 1962, Mr. Korn was engaged in the revision of the *New York Civil Practice Law and Rules* enacted in 1962.

Working in conjunction with Mr. Korn and Prof. Jack B. Weinstein of Columbia initially on the CPLR was the late Prof. Daniel H. Distler, who taught at Buffalo for a short time before his death. Prof. Arthur R. Miller of Michigan joined Mr. Korn and Mr. Weinstein in the publication of the eight volume work on the CPLR in 1963. Mr. Korn has just recently finished a condensation of the *CPLR Treatise* into a one volume manual.

The pace of Mr. Korn's life reflects that of his native New York City, and now that he is living near downtown Buffalo, at 703 West Ferry Street, he hopes to find some of that "elusive leisure time." Though much of his first year was spent in the preparation of the CPLR manual, and his class lectures, he found time to attend the concerts of the Buffalo Philharmonic Orchestra, and the presentations at the Studio Arena Theater. He is delighted with the seriousness of Buffalo's attempts to provide cultural events of a highly professional

quality while retaining an informality and modesty unknown to the more notable cultural centers of this country.

Nevertheless, Mr. Korn shall remain active in addition to his professional position. He is the Director of the Armstrong Project which is concerned with improving the methods of presentation and interpretation of complex scientific and technological issues as they relate to the law, and as they arise in court situations. It is decidedly difficult for a jury, or court, to arrive at a meaningful understanding of expert testimony relating to the complex issues of this age. A major problem is the resolution of conflicting testimony of expert witnesses for the benefit of a jury unschooled in the subject. This project hopes to find procedures that will facilitate the resolution and understanding of such issues.

Mr. Korn mentioned that he had not always been interested in the law, that his direction throughout his undergraduate studies at Cornell had been in mathematics and engineering, but that he suddenly discovered, from aptitude tests, that his best field lay in the law profession. It is fortunate that he followed that usually misleading source of information.

Mr. Korn remarked that law students who emphasize "clerking" are "jumping the gun on old age." As a faculty member at Columbia for three years, he noticed that more was gained by working with the faculty on their individual projects. A large percentage, of Columbia law students worked on faculty research projects, and several legislative drafting projects for state, local and federal government were largely staffed by students. In this manner, learning was not so much limited to the classroom as it seems to be at Buffalo.

MISS BARBARA KULZER

Miss Barbara Ann Kulzer holds her LL.B. from Rutgers and is currently a candidate for the LL.M. from Columbia. In addition she holds a Bachelor of Arts degree, with a major in English, from the University of Pennsylvania.

Miss Kulzer has many interests and hobbies, which she pursues enthusiastically if not expertly. Her favorite recreational activities are painting, tennis, and reading.

Miss Kulzer has had limited experience in the practice of law, and prefers teaching to practice because she finds that she is able to deal with issues in depth and to examine problems on a long-term basis. These are opportunities that the pace of a law practice would not permit.

When asked what advice she would give to freshman students, Miss Kulzer stated that she felt undergraduates thought patterns and reading habits must be revised. The student must ruthlessly cut away irrelevancies and examine the essentials of a particular case. "The student must always question the precedent established in order to understand the case more fully" she said. "It takes a long time to read a case properly."

MR. JAMES MAGAVERN

Mr. James Magavern is a most realistically oriented individual. He presents an extremely intensive intellect, and an obvious command of his subject and profession.

Mr. Magavern majored in English at Dartmouth, and attended University of Buffalo Law School. He received his degree in 1959, and was admitted to the New York State Bar in that year. He was in private practice in Buffalo, and has in the past taught part time at SUNYAB Law School. This school year, he gave up his private practice so that he might devote all his energies to teaching.

Mr. Magavern enjoys teaching freshmen courses in particular because the freshmen "seem to have more life in them." He suggested that the most important objective to be sought by freshmen is the development of an ability to analyze case material, as the basis of any law study is to acquire a power of critical evaluation of the relevant consideration of each case treated.

Clerking during the summer months can aid the student in acquiring this analytical ability providing that the work is challenging. Mere mechanical legal work in clerking serves no function in forwarding the students command of the law.

Mr. Magavern intends to continue as a full time faculty member, and has no other plans in the reasonably foreseeable future. He does not intend to re-enter private practice.

Tennis, squash, and running are Mr. Magavern's primary recreational interests. He also enjoys travel, but he readily admits that the law profession allows little time for recreational travel. Mr. Magavern, married in 1955, has a family of five, including his wife, and four children.

MR. LOUIS SWARTZ

The size and quality of our faculty was increased with the appointment in September, 1965 of Mr. Louis Swartz as an Associate Professor of Law. Mr. Swartz teaches a freshman section of Criminal Law, Family Law, and will also be offering a new course on the Legal Profession in the Spring.

Mr. Swartz brings with him a background enriched by graduate studies and the practice of law.

Our new faculty member received his LL.B. from Cornell Law School in 1950, and his LL.M. from Columbia University in 1957. In addition to his studies in law, Mr. Swartz pursued graduate studies in sociology at Columbia from 1959 to 1965. During his studies at Cornell, he was a member of the Board of Editors, Cornell Law Quarterly and while at Columbia was an Augustus Newbold Morris Fellow. He is a member of the Bar of New York and of the Supreme Court of the United States, and is a Fellow of the American Sociological Association.

Much of Mr. Swartz's interest focuses upon criminal law, and in this connection he was an Attorney, Criminal (Cont'd on Page 8)

New Faculty . . .

(Cont'd from Page 7)

inal Courts Branch, Legal Aid Society, New York City from 1951 to 1953 and a Research Associate and Special Consultant, American Law Institute Model Penal Code project during 1953 to 1956, 1960-62, and 1965. Mr. Swartz is interested in the relationship between the law and the society which it serves, and in addition to working as an Associate Professor of Law and Social Work at Rutgers University School of Law and Rutgers Graduate School of Social Work from 1956 to 1959, he was a Visiting Associate Professor of Law at Ohio State University College of Law during the summer of 1958.

This past summer, Mr. Swartz was involved in the Office of Economic Opportunity Legal Services Program as a Consultant. This program took ten students from the University Law School and placed them in the offices of four Neighborhood Law Offices in economically deprived areas of Buffalo. The purpose of this project was to provide more legal services to the residents of these neighborhoods who were financially unable to engage private counsel. This project was part of the Federally sponsored War on Poverty and worked through the local Community Action Organization. Mr. Swartz hopes that this project will continue since he feels that it was most successful in achieving its goals.

At the moment, Mr. Swartz is busy writing up the findings of a study conducted by him in the five counties of New York City. The study involved the handling of juvenile offenders by 21 of the city's judges. Mr. Swartz uses the empirical approach in the study and has hampled 13,000 individual cases and fed this data into computers. He is trying to find out what factors are related to the judicial determination that a child is delinquent. Mr. Swartz has discovered some preliminary trends which show wide differences among the judges in their dismissal rates and other aspects of the decision making process.

On the personal side, Mr. Swartz is the father of two children, Billy, age 10, and Zoe, age 7, both by a previous marriage. In addition to Billy and Zoe, Mr. Swartz has inherited Cindy, age 8, and Keith, age 5, as a result of his very recent marriage on September 30th. In what little spare time is available, Mr. Swartz enjoys painting and drawing and is a member of the Art Student's League where she studied while he was in New York City.

When asked to comment on how he feels the law should be studied, he replied that students should bring both critical thinking and their own sense of values to bear on course work, and should not be satisfied merely with learning the technical aspects of their subjects.

The Law School is fortunate to have a man of Mr. Swartz's background and dedication to the society which he seeks to serve.

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Hans Smit, Columbia, International res adjudicata in Holland: A Comparative Analysis.

Jerome Hall, Indiana, Some Observa-

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J. Vanderlinden, Brussels, Addis Ababa, Common Law and Civil Law Influences in the Developing Law of Ethiopia.

Karl H. Kunert, Bonn, Evidence Rules Under the Common Law System and the Civil Law System of 'Free Proof.'

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Barbara Ann Kulzer, Buffalo, Some Aspects of Comparative Enforceability of Foreign Judgments.

Adolf Joseph, Hamburg lawyer, Expanding Jurisdiction: The 1966 Amendment to NY's Long Arm Status.

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